

NATIONAL ORGANIC STANDARDS BOARD

Meeting Minutes

March 6 - 7, 2001

Embassy Suites Buena Park
7762 Beach Boulevard
Buena Park, California

Attendance Record:

Members Present: 15

Owusu Bandele
Carolyn Brickey
Kim Burton
David Carter
Goldie Caughlan
Rebecca Goldberg
Steven Harper
Marvin Hollen

Mark King
Rosalie Koenig
William Lockeretz
James Riddle
Eric Sideman
George Siemon
William Welsh

Members Absent: 0

Other Attendees:

Keith Jones, *Program Manager, National Organic Program (NOP), U.S. Department of Agriculture (USDA)*;
Richard Mathews, *NOP, USDA*;
Beth Hayden, *NOP, USDA*;
Toni Strother, *NOP, USDA*; and

Interested persons from the public ([See attachment B](#)).

PUBLIC COMMENT SESSION – TUESDAY, MARCH 6, 2001

The following people presented remarks before the National Organic Standards Board (NOSB).

Mr. Don Bell, Representing United Egg Producers (UEP) – Mr. Bell made comment in regard to the use of the term "organic" interchangeably or in combination as part of a single system. These comments are intended to provide scientific reasons for keeping chickens inside a confinement facility and in providing chickens a cage environment. Suggests "Cage-free Organic" and "Caged Organic" poultry labels. ([See attachment 1](#))

Mr. Jack Samuels, Citizens for Truth in Labeling - Comment against approval of L-Cystine. Points out that there are serious errors in the TAP review of L-Cystine. Mr. Samuels asked that the NOSB not approve L-Cystine for inclusion on the National List of approved materials. ([See attachment 2](#))

Mr. Steven Mahrt, Petaluma Farms – Offered a quick overview of why Methionine is essential to a well-run organic poultry farm to prevent stress by providing a balanced diet, promote feed efficiency and conserve resources. ([See attachment 3](#))

Ms. Robin Downey, Pacific Coast Shellfish Growers Association – Presented a White Paper Developing Organics Standards for Molluscan Shellfish. ([See attachment 4](#))

Mr. Todd Lorenz, Cyanotech – Spoke on certified Organic Spirulina production, and the fact that the Final Rule does not accommodate microalgae Aquaculture. Current production system cannot comply with 20% limit on nitrogen from sodium nitrate. Suggests establishing separate standards for microalgae. ([See attachment 5](#))

Dr. Amha Belay, Earthrise Nutritionals Inc. – Presented information on the Unique Features of Microalgae Culture Systems: Organic Spirulina production. Supports position of Mr. Lorenz. ([See attachment 6](#))

Mr. George Lockwood, World Aquaculture Society, former President – Interest in aquaculture organic standards. Keep door open for organic shellfish. Recognized the work of Margaret Wittenberg with the Aquaculture Working Group. Endorses aquaculture task force report.

Mr. Merrill Paxman, Sales and Marketing Manager, Millers' Honey Company - Representing Clint Walker, President, National Beekeeping Federation and Buddy Ashurst, President, National Honey Packers and Dealers Association. Encouraging organic standards for honey and beekeeping with request for a task force for beekeeping and honey handling under organic methods. Described areas of production standards including post harvest actions. Offers to be involved in honey task force. ([See attachment 7](#))

Ms. Emily Brown-Rosen, Organic Materials Review Institute (OMRI) – 38 certifiers, including 8 states, subscribe to OMRI. OMRI to re-publish their list by June to comply with final rule. The compost requirements of the final rule will require the reclassification of many OMRI approved heated pathogen-free compost products as raw manure. Also requesting removal of natural colors from National List. She believes there was no petition to put natural colors on the National List, and no recommendation by the NOSB. She stated that Environmental Protection Agency (EPA) plans for development of a label to identify products with ingredients approved for use in organic agriculture prompts concerns and specific needs regarding the definitions of synthetic and natural. She expressed the belief that the definitions should not be limited to origin and should address process. OMRI has a concern about volatile oils, permitted methods of extraction for "natural" products, guidance about GMO's, and regular updates on changes to EPA List 4. Of eighty (80) approved materials on OMRI's list, half include inerts on List 3 which will no longer be available in April 2002.

Ms. Deborah Brister, University of Minnesota, Aquaculture Working Group Member – Reported on recent workshop issues appropriate to organic certification of aquaculture. Submitted report on organic standards proposed by the workshop. Specifically mentioned feed sources, use of terrestrial livestock by-products for feed, antibiotics, triploidy induction does not involve genetic engineering, and concerns about effluent management. ([See attachment 8](#))

Ms. Katherine DiMatteo, Organic Trade Association (OTA) – Complements to the NOSB and NOP on improvements of transparency and information availability. OTA will support NOSB agendas, but encourages more information about what is being worked on by the NOSB, that doesn't appear on NOSB agendas. Requests clarification about who is responsible for making decisions on issues not on agendas. What happens to requests for changes and new issues for the NOSB to address when they are not on meeting agendas. Ms. DiMatteo also brought to the Board's attention the AOS standards for honey, mushrooms, and greenhouses. OTA's list of 41 questions about the rule will hopefully be addressed. Issues of importance include compost standards, conflict of interest, private label exclusion, and commercial availability.

Mr. Miles McEvoy, Washington State Department of Agriculture, and NASOP – Requested that the NOSB take another look at exemptions and exclusions, especially how the final rule compares to the NOSB's recommendations from 1994 and 1995. He stated

that the regulations should require certifications of all products that make organic claims, including wholesale distributors and processors that only make an organic claim on the information panel or ingredient statement, especially when the ingredient statement is on the principle display panel. Also concerned about unlevel playing field caused by excluding in-store retail processing. NASOP adds similar comment requesting that NOSB reconsider Applicability section specific to exemptions and exclusions as they impact enforcement and enforcement costs that will be the burden of state organic programs. Also had comments on new compost language, specifically regarding chicken litter, which does not meet the required C:N ratio.

Mr. Garnett Pirrtt, Capitan Cook Honey in HI – Spoke in favor of honey standards. He is complying with all the requirements and would like to see honey standards in place. Offers to be involved in honey task force.

Ms. Suzanne Vaupel, International Federation of Organic Agriculture Movements (IFOAM), CCOF Government Affairs, OTA International Committee - Ms. Vaupel spoke on behalf of IFOAM on four issues. The first issue she addressed was the right of private certifiers to use their seal or logo to represent their standards, which may include additional standards to those in the USDA Regulation. States that certifiers need regulatory certainty regarding NOP interpretations. The second issue was conflict of interest. She believes the regulation excludes certified farmers from serving on the certifier's board or in positions that are "responsibly connected." This prohibits "stakeholder involvement", which is an ISO 65 requirement. IFOAM is very concerned that conflicts of interest are avoided in all certification decisions. The third was accreditation of foreign certification bodies. The regulation does not include one of the options that the NOSB recommended to USDA. The NOSB recommended that USDA accept accreditation by an international accreditation body. The NOP could: (1) use reports written by the International Organic Accreditation Service; (2) contract IOAS to perform evaluations; or (3) review and recognize IOAS. And the fourth was what IFOAM refers to as small holder certification. Specifically, in Third World countries, groups of very small farmers are commonly organized under a single system that has an internal inspection body. IFOAM encourages USDA to allow for the selection of a statistically representative sample of farmers in such organizations for on-site inspections. ([See attachment 9](#))

Mr. Joe Smillie, Senior Vice President, Quality Assurance International (QAI), and Secretary, OTA – Commented that commercial availability and private labeling are issues the NOSB could address. He believes that commercial availability is doable since QAI has successfully enforced commercial availability, and that private labeling could be an enforcement nightmare. He believes that consumers expect companies that commission the manufacturing of organic processed products to be certified. Without certification, there is no oversight of the audit trail. This issue requires a huge technical correction. Also requests that the Board look at what claims can be made that are beyond the purview of the rule. Can this be included in the "made with" category? Urges the Board to address and make it a priority. Also please keep transition to organic on your list. Lastly, there is a need for equivalency and flexibility in the accreditation or approval of indigenous certifiers for imported products.

Ms. Diane Bowen, OCIA International – Expressed concern that the conflict of interest provision will prevent producers and handlers from serving on certifier boards. This requires a short term fix and should be a high priority for the NOSB Accreditation Committee.

Mr. Marty Mesh, Florida Organic Growers, chair of the OTA's Organic Certifier's Council – Also spoke about conflict of interest. OCC will submit specific amendatory language in advance of the June meeting. Requests a current update on the situation in Japan from NOP. Also request that the NOSB give its attention to a natural supply of calcium sulfate for tofu processing.

Mr. Marty Mesh, presented on behalf of Mr. Michael Sligh, The National Campaign for Sustainable Agriculture. Campaign to meet in conjunction with NOSB's June meeting. ([See attachment 10](#))

Mr. Rod Crossley, Consultant, chair of the CA Organic Advisory Board – Spoke on the National List with respect to what can be added and deleted. Natural colors and flavors should be removed from the National List, since there was no TAP review. Asks about short term approval process for imported ingredients. ([See attachment 11](#))

End of Public Comment

Welcome and Introduction of New Members – Carolyn Brickey, Chairperson

Carolyn Brickey thanked every one for coming and participating in the meeting. She stated that the Board has a grueling schedule that they intended to cover over the next two days. Ms. Brickey recognized the work of past members, welcomed the new members, and encouraged all to stay involved, and to work with Secretary Veneman and the new Administration.

Ms. Brickey mentioned some of the top priorities of the Board: adequate funding; pressing for transitional opportunities and funding for transition; new standards for honey, mushrooms, greenhouses; advice on access to pasture; commercial availability; promoting EPA's efforts on labeling; and compiling and maintaining an accurate and comprehensive record of NOSB actions and material approvals.

Introduction of New Members filling five vacant positions on the NOSB, the new positions expire in 2006, the new members are:

Certifier: Jim Riddle, Winona, MN

Farmer/Grower: Rose Koenig, Gainesville, FL

Consumer: Goldie Caughlan, Seattle, WA

Consumer: Dave Carter, Aurora, CO

Farmer/Grower: George Siemon, LaFarge, WI

An Agenda review was conducted with no changes.

USDA/NATIONAL ORGANIC PROGRAM UPDATE – KEITH JONES, PROGRAM MANAGER

The Final Rule's effective date is now April 21, 2001, due to a housekeeping error now rectified. Because of the tremendous amount of work that has to go into developing a proposed rule for honey, mushrooms, and greenhouse standards, much work has to go on in the Department. The NOP will make every effort possible to be open about this activity, but under the current time constraint, it may not always be possible to provide the NOSB with drafts of these documents.

Two issues seem to be most important. Conflict of interest and additional standards. It is not USDA's attempt to remove farmers from the process of certification, but to keep the certification process free of conflict of interest. Certifiers are allowed to provide for the voluntary use of additional truthful label claims, such as "pasture based organic."

Other areas of concern include "lack of capture" of processing facilities. This may not require a major fix, if any at all. We are mostly concerned with a legal audit trail. Commenters have raised legitimate questions that justify a look.

Another is the issue of commercial availability. What does a certifier have to do to be sure efforts have been made to source organic ingredients? The NOP asks the Board for a specific recommendation; comments to the rule did not provide it.

Another is the subject of technical corrections. Technical corrections cannot change the nature or intent of the rule. They can correct errors in drafting. They are usually done six months to one year after publication of a final rule.

The NOP is also getting interest in labeling for health and beauty aids. We will have consultation with the Food and Drug Administration (FDA) about this labeling category. Also received interest in labeling of organic pet food.

Regarding negotiations with Japan, another equivalency proposal was made to Japan last week to basically accept USDA oversight of ISO 65 and that was rejected. They said no, we have to meet their standards. Their standards are insufficient when measured against our standards. Trade with Japan was a huge area of concern at BioFach. Keith Jones recommends that the NOSB get an update from the Foreign Agricultural Service (FAS) at each meeting regarding negotiations with other countries. FAS negotiates these discussions, not the NOP. The Board cannot make recommendations to FAS, but should be informed about these trade discussions.

Carolyn Brickey asked for reaction to the final rule at BioFach. Reaction depends on who you ask. Keith Jones is pleased with interest from the EU, trying to think through the trade implications of their rule. They appear to be very interested in developing equivalency with us. Documents are being traded again. The EU seems to be interested in moving quickly. Although their livestock standards are basically "do the best you can" and are handled at the regional level.

Rose Koenig asked about comments regarding compost standards and on List 3 inerts. Keith Jones has gotten no comments regarding List 3 inerts. The Department has gone the limit to find funding for materials review and the Board has done what they can to expedite reviews and approvals, but there is no evidence of "all those materials out there that will not be allowed" because so few petitions have come in. The \$100,000 for materials reviews this year and \$100,000 for next will probably not get used, making it almost impossible to get future funding.

Keith Jones cannot stress to this Board how contentious the issue of compost standards was in terms of regulatory impact, and they will probably not be changed. It was the most difficult and last section of the final rule to get cleared, so there may not be an opportunity to go back and change anything. The NOP is always open to listen, but this particular issue will be very, very difficult to move at all.

Jim Riddle asked about the situation of raw products finished in Japan, what about an additional seal that makes multiple claims, such as "pasture based" or "grass fed" in addition to "EU compliant" or "Biodynamic." This would be fine as long as they are truthful claims. Jim Riddle asked about capture of processors and "private label" companies, and if comments or recommendations from the Board carry more weight on the issue than comments that come from outside the Board. Keith replied, "If the Board wants to use its time to make a formal recommendation, fine, but NOP is looking at this issue, a policy directive can take care of it."

Carolyn Brickey asked about the problem of intermediate ingredients in compost. According to Keith, the question became one of composted manure vs. raw manure. The NOP is hearing, "we just can't comply with this" because it's just too hard. That won't fly. If it's an issue of use of language, that might be possible. Office of Management and Budget (OMB) will be the hardest hurdle because of cost. Keith Jones wouldn't be surprised if OMB wouldn't require some study about how it really impacts somebody on the ground. What would be the financial burden of existing language?

Owusu Bandele asked about transitional language. Keith Jones notes that you can still call it "transitional" not "transitional Organic". The Organic Food Production Act (OFPA) is silent on transition and their needs to be additional research on what "transitional" really means to the consumer. The NOP has not precluded existence of a transitional label.

Jim Riddle asked for an explanation of "policy directive". Keith Jones said he always imagined non-regulatory guidance as used by NRCS for additional information. At one time NOP thought they'd just write a manual. After comments started coming in January, he thought of dealing with it one discreet question by one discreet question. Answers would become "policy directives" eventually compiled into a single manual.

Dave Carter asked about small certifier accreditation. Keith Jones explained that accreditation for five years is available except for travel and per diem for evaluators. Keith Jones suggests that there may be some foundation funding available. The NOP wants to engender competition between certifiers. He also would like to see the organic certification cost share program continued and expanded. If adjustments to accreditation requirements are made for domestic certifiers, they must also be made for foreign certifiers.

Willie Lockeretz asked about the possibility of sharing accreditation documents already created by certifiers. The NOP will not use documents from private accreditation bodies. They want to get a handle on certifiers themselves without having to rely on the work of others.

Jim Riddle asked about the time lag for accredited certifiers to do document review of product coming from other countries. Keith Jones answered that if the certifier wants to take the risk, it is a business decision on your part. Jim Riddle understands the certifier is assuming responsibility for that.

Steve Harper asked about the questions and answers promised for the web site by the end of January. The NOP was overwhelmed by questions. The NOP found that many questions were duplicative. Arthur Neal has been tasked with answering questions. He should have a first draft for Keith to review when he gets back next Monday. Keith Jones hopes to have something on the web by the end of March.

Eric Sideman asked about a training session on standards that Keith Jones mentioned in Atlanta, similar to the certification workshop. Keith Jones thinks that might happen in the fall.

Jim Riddle asked if there is a difference between these questions and answers and policy directives. Keith Jones thinks yes. It's possible to take some of the Q&A's and turn them into guidance documents, into policy directives, official word.

Willie Lockertz asked about other dates specified in the rule getting bumped up by two months and Keith Jones confirmed that.

NOSB COMMITTEE UPDATES/PROGRESS REPORTS

Livestock Committee – Eric Sideman, Chair:

The Livestock committee prepared a statement, a guidance document (**See attachment 18**) with the hope that NOP will include more specific guidance in a policy directive. It is important to the Livestock Committee that these issues are included:

- Ruminants must have access to grazing pasture during months when pasture can be grown and provide a significant amount of nutrition from pasture.
- A minimum of 50 percent of the total feed ration should come from edible forage.
- Exceptions will include health and safety of the animal and inclement weather.
- Another exception will be for animals under 6 months old and, animals in final stage of finishing, not to exceed 120 days.

Livestock committee requests public comment on this statement. George Siemon wants to know how the public will get the word out to give comment. Keith Jones will put this up on the web as an NOSB recommendation. Keith Jones clarifies that NOP will not write a directive without an NOSB recommendation. Comments included use of the word forage, as defined by the final rule, and that health and safety should include health of the pasture. Keith Jones reminded everybody that policy directives still do not have the force of law. Keeping that legal framework in mind, is there any more specificity that the NOSB wants in the final rule? For instance, if you say 50 percent of total feed, you should do that, but you don't have to. You can't force a producer to hold to that. It's not a part of the regulation.

Carolyn Brickey asks if there are any requests from certifiers about more specificity in carrying out the terms of certification? Eric Sideman wants to know if a certifier can withhold certification from a producer for not following policy directives. Keith Jones says you can but then you're going down that path which is much larger. Keith suggests that the committee compile a list of questions and ask where they want more specificity. Keith says that if this is a buzz word for scale, you better get this out on the table. What's your intent? If your intent is to differentiate about scale, it's your responsibility to put your biases on the table. If your objectives are that someone is in and someone is out, it has to be on the table. Eric Sideman states that pasture is necessary to the health of the animal. Jim Riddle adds consumer perception as another consideration. Bill Welch wants to know if scientific evidence is necessary. Keith Jones said it's not necessary to go to that level. Keith Jones reiterated if you want a standard for someone to adhere to you

have to change the regulatory language. Eric Sideman wants to move forward with this recommendation with the intent of incorporating it into the rule. Eric Sideman and George Siemon want this recommendation to include stocking rates that will prevent an operation from keeping, for instance, 150 cows on 15 acres. Dave Carter adds the need to clarify temporary confinement as well. The Livestock Committee will rework their recommendation.

Materials Committee – Kim Burton, Chair:

The Materials Committee will continue to manage the materials review process, what needs to be petitioned, what doesn't need to be petitioned, what can go through certifiers, and how OMRI lists will be used to identify substances not on the National List.

The committee will be pursuing one on one communication with industry for answers to questions regarding material reviews. Inform them that there is \$100,000 for TAP review of materials and the lack of material petitions.

Another priority is to develop a policy on updates to the National List, depending on approvals produced at each NOSB meeting. Also, give NOP guidance on removal of items on the list.

The Committee will also update the list of materials reviewed, presented at the last meeting.

Processing Committee – Steven Harper, Chair:

Priority for the Processing Committee is the review of materials and suggestions for processors on clarification of need for petitions of materials.

Presentation of a proposal on commercial availability, developed by OTA's Manufacturing, Processing, Packaging, and Labeling Subcommittee of the Quality Assurance Committee. It can also work for seed as well as ingredients.

Steve Harper reviewed the proposal and asked if it is too technical. Keith Jones thinks this is great. He wants to know the criteria that have to happen in order for a product to be deemed commercially available. Steve Harper asked if he wants an expansion on the definition. Keith Jones responded that the committee will have to get something in there that addresses economic value. Cost has to be clarified. There have to be triggers and one will be cost. NOP did not want to touch commercial availability, but comment has now required that they do.

Some of the information in the proposal is not important to NOP. They will not arbitrate how this will apply. If a material is allowed in the final rule, they will not go further with it. They will not establish a clearinghouse of commercially available materials. That can be done by the industry.

Owusu Bandele pointed out the issue of scale, as a larger producer may not be able to access necessary quantities, where a smaller operation may be able to. Another concern is the paperwork burden. Another is that this may not be appropriate for seeds. Eric Sideman suggests that the Crops committee do the same for seeds. Keith Jones says get this pinned down with a minimum of regulatory requirements. You will not be able to do anything if one producer can find organic seed and another cannot.

Carolyn Brickey can see how this presents incentive to the industry not as Keith Jones does, as a loophole. Jim Riddle echoed Carolyn's point that this drives the industry to provide organic inputs and seeds. Jim Riddle added that documentation is already happening and certifiers are used to requiring documentation. George Siemon thinks a criterion is needed now. This proposal outlines procedure. Keith Jones said the criteria should include quantity, enough for you to do what you need to do, and the other is the cost factor.

George Siemon asked why OMB is concerned about money. Keith Jones states that's why people make phone calls, do paperwork, create a regulatory impact for this situation.

Break for Lunch.

Accreditation Committee – William Lockeretz, Chair:

Willie reported to the Board that the Accreditation committee does not have any current agenda items for this meeting, but has been asked by the NOP to address two primary issues:

1. For the June meeting, establish criteria for selection of the peer review panel
2. Review with NOP staff the questions and answers to be published on the web

Enforcement is premature and NOP is not ready at this time to address enforcement procedures.

PRESENTATION BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

Mr. Jim Jones made a quick statement of introduction and also said the OMRI Pesticide labeling proposal they discussed at this morning's public comment, is shared by EPA and that they are willing to work with the Board and other interested parties. Mr. Jones then introduced Mr. Robert Torla of the Biopesticides and Pollution Prevention Division.

Bob Torla, EPA Organic Label Proposal ([See attachment 12](#))

Mr. Torla stated that the issues Organic Materials Review Institute discussion about EPA organic label included issues of reformulation and label use. Annotations are presenting a problem for EPA in that one product with different uses may require two labels, one that allows it according to the annotation, another that is differently specific. EPA is worried that a manufacturer may not want to apply for more than one label, one approved for organic and one for conventional.

Biologics and GMOs are part of the applicant's registration process. EPA is not setting policy on what manufacturers put on their labels. EPA will kick back any policy questions to the Board and NOP.

EPA seal cannot be used on exempted products unless registered by EPA, such as garlic or cayenne.

GMO derived ingredients are not allowed by NOP. The question is how does EPA ensure that GMOs are not in the organic labeled product? EPA is unsure how they will deal with this because of the difficulty in detecting GMO's. For example, you can't identify GMO in corn oil. If you can't detect a GMO, it would seem you would have to accept its presence. When EPA does technical reviews they are not making judgements on compliance.

Question came up about EPA allowance of use of the OMRI label. EPA would only allow the OMRI label if it's truthful.

INERTS PRESENTATION BY JIM JONES, DIRECTOR OF THE REGISTRATION DIVISION, EPA

NOP only allows for inerts on List 4. It has come to EPA's attention that there are 35 or so materials approved by OMRI that include inerts on List 3. This will be allowed only until April 2002. His shop will triage these materials into four categories:

1. Mistakes – Inert actually belongs on List 4
2. Easy to assess (e.g. large polymers)
3. Compounds that need full evaluation and EPA has the data needed
4. Not enough data available to make a determination – not likely to be assessed by October 21, 2002.

By April 2002, substances fitting into categories 1 through 3 can be determined to be list 4 or not. Substances in category 4 most likely cannot be done in time. They will not cancel their use, but will notify that there is not enough information.

Carolyn Brickey asked about new products that have List 3 inerts. Jim Jones said they might not want to register them at all. New products may be reviewed but not a top priority. The next steps will be working with the new Administration getting it through the queue, then put it in a Federal Register notice going out for comment.

AQUATIC TASK FORCE WORKING GROUP REPORT AND DISCUSSION - ROBERT ANDERSON, CHAIR

Mr. Anderson gave a brief overview of the structure of the working groups and presentation of reports. Bob Anderson's intention is for these reports to go up on the web by May 1st allowing enough advanced notice before the June meeting to allow full public information and comment. The public could then make public comment at the June NOSB meeting, allowing the Board to make a determination at the October NOSB meeting.

AQUACULTURE WORKING GROUP - MARGARET WITTENBERG, CHAIR

Margaret recognized the effort put forth by the working group and presented the group's report. There are two phases of the work of the working group

Phase One – September – November

Feed
Nutrient Management
Siting recommendation
Breeding

Phase Two – November – February

Recirculating System
Healthcare
Living Conditions
Bivalve shellfish

Two opinions were put forward:

1. Wild, sustainably caught fish and fishmeal should be allowed in organic aquaculture. Suggested for inclusion in Section 205.606 on National List as non-organically produced agricultural product allowed as an ingredient in organic products.
2. Organic feed is a component of organic livestock rules. Feed should be organic but would find it acceptable to allow wild fish as nutritional supplement up to 5% of feed for natural amino acids and omega 3 fatty acids.

The Committee also had consensus that organic aquaculture is feasible. Margaret reviewed the report submitted to the Board. ([See attachment 13](#))

WILD AQUATIC SPECIES WORKING GROUP - MILES MCEVOY, WA STATE DEPARTMENT OF AGRICULTURE

The group had consensus on one issue; that there should be some sort of label for wild caught fish, but not necessarily the organic label.

The committee could not come to agreement on whether or not an organic label would be appropriate for wild fish. Miles reviewed the issues addressed by the group and reiterated the lack of ability to come to a decision. ([See attachment 14](#))

MATERIALS PROCESS REVIEW - KIM BURTON, CHAIR

Kim Burton reviewed the NOSB Materials Committee Matrix of activity for review of a petition and process for NOSB approval of a TAP review (**See attachment 19**). Overall dates are not included due to the need for flexibility. For example, right now the OMRI deadline is March 5th for the June meeting but only 4 petitions have been received, so there is strong likelihood that the deadline will be extended. OMRI is requesting 90 days to do a TAP review. Kim Burton also noted that there are two documents that explain the requirements of the petition process; one prepared by OMRI (**See attachment 20**), another jointly prepared by OMRI and the California Organic Foods Advisory Board (**See attachment 21**).

Concern was expressed that sometimes the Board is not provided with enough information to make a decision on whether to approve or deny approval of a substance for addition to the National List. The Materials Committee posed the question of whether the materials review process should be amended to allow amending the TAP based on comments received. Concern was expressed that there are no comments from producers in support of the petitions; the only comments received were negative. Bill Welsh asked if this is because commenters only make negative comments. Eric Sideman asked if this is a problem with the system or a problem with the review that this information is sketchy? It was suggested by a member of the public that a major effort should be made to obtain input from the industry to add to the TAP review recommendations. George Siemon noted that the NOSB is far too dependent on TAP reviews to make materials decisions and that the NOSB needs to have comments from the industry to make these decisions.

The Materials Committee suggested and the NOSB concurred that the TAP summaries should be posted on the NOP web site. The NOP agreed to post the TAP summaries on its web site and to identify who public comments should be sent to.

MATERIALS VOTES:

Hydroxyquinoline Sulfate (Livestock) Eric Sideman, Chair

Annotation recommended by the Livestock Committee:

Primary health care must be based on preventative health care (OFPA language is "not in the absence of illness") and may only be used to treat an ailment. According to OMRI this is an over-the-counter drug not approved by FDA for use on animals. OMRI also stated that this is a list 3 EPA substance.

The TAP review provided the following information on Hydroxyquinoline Sulfate. Hydroxyquinoline sulfate is considered to be a poison when ingested. There is insufficient evidence to indicate whether this substance is a carcinogenic. Although one study (Peterson, 1978) observed tumors in rats from hydroxyquinoline. The FDA in 1994 disallowed the use of derivatives of this substance in antifungal treatments as there was not sufficient data to consider the substances to be safe. Quinoline is a poison, when ingested orally or through subcutaneous injection. Contact with the skin produces a moderate toxic reaction and can result in severe irritation. One report (Aiello, 1998) indicated that this substance is potentially neurotoxic when used topically for prolonged periods.

Jim Riddle stated that this is not tested for residue in milk, there is no data on this.

Marvin Hollen noted that this is not water soluble, you have to be diligent in wiping it off.

Rose Koenig asked if there were any comments from growers? None.

Steve Harper asked why this was petitioned? Is it widely used or a tool being used today?

Any Conflict of Interest? None.

TAP Annotation:

For use in a topical salve for dairy cattle in concentrations no higher than 0.3%.

15-0-0 Synthetic 4 Approved - 11 Prohibited - 0 Abstained. The Material does not pass.

Poloxalene (Livestock) Eric Sideman, Chair

Annotation recommended by the Livestock Committee

Only to be used in the treatment of bloat.

Owusu Bandele asked if mild bloat was considered an emergency?

Mark King asked if there would be residue in the meat?

Rose Koenig asked if this would be recorded in the farm plan?

Jim Riddle asked if this would be allowed for all livestock species?

Goldie Caughlan said oils and detergents are alternatives.

Annotation:

For emergency treatment of bloat.

15-0-0 Synthetic 15-0-0 Approved. The material is approved with annotation.

L-cystiene (Processing) Steve Harper, Chair

A dough conditioner, antioxidant, flavorant, widely used in processed products. Committee unanimously recommended against approval because other alternatives are available.

Any Conflicts of Interest? Steve Harper works for General Mills. He has no financial gain.

15-0-0 Synthetic 0-15-0 Prohibited. The material does not pass.

Recessed for the day.

Wednesday, March 7, 2001

Discussion of voting on ingredients in 100% organic, organic and made with organic ingredients by Rick Mathews:

A "made with organic (specified ingredients or food group(s))" product must, in accordance with section 205.105(c) of the Final Rule, be produced and handled without the use of nonagricultural substances used in or on processed products, except when the nonagricultural substances are included in section 205.605 of the National List of Allowed and Prohibited Substances. Accordingly, the reference to nonorganic ingredients in section 205.301(c) refers to *agricultural* ingredients only and should not be construed to include nonagricultural ingredients.

To further clarify the Department's intent, a "made with organic (specified ingredients or food group(s))" product must contain at least 70 percent organic agricultural ingredients that have been produced without the use of:

1. Synthetic substances unless the substances and their use are allowed under section 205.601 or section 205.603 of the National List of Allowed and Prohibited Substances.
2. Non-synthetic substances prohibited under section 205.602 or section 205.604 of the National List of Allowed and Prohibited Substances.
3. Non-agricultural substances unless the substances are allowed under section 205.605 of the National List of Allowed and Prohibited Substances.

Additionally, the remainder of the ingredients in a "made with organic (specified ingredients or food group(s))" product (up to 30 percent) may include:

1. Non-agricultural products listed in section 205.605 of the National List.
2. Non-organically produced agricultural products, raw or processed, that have been produced using synthetic, non-synthetic, and non-agricultural substances without regard to sections 205.601 through 205.605 of the National List of Allowed and Prohibited Substances, except that the use of excluded methods, sewage sludge, and ionizing radiation are prohibited. Non-organically produced agricultural products listed in section 205.606 of the National List of Allowed and Prohibited Substances must comply with the restrictions placed on that product by section 205.606.

MATERIALS REVIEW CONTINUATION – KIM BURTON, CHAIR

Calcium Sulfate (Processing) Steve Harper, Chair

Annotation: From mined non-synthetic sources

Changed to **Calcium Sulfate – Mined**

No Annotation

0-15-0 Natural 15-0-0 Approved The material is approved with no annotation.

Boiler Chemicals (Processing)

Ammonium Hydroxide

Cyclohexamine

Diethylaminoethanol

Morpholine

Octadecylamine

Steve Harper reviewed a description of the use of steam chemicals. This category is volatile amines that cannot be taken out of the steam. Steve indicated that OTA believes it is imperative to petition the volatile amines that directly come into contact with food. There is a group of chemicals that are designed to stay in the boiler and do not come into contact with food. The group of substances being petitioned do come into contact with food.

The Processing committee looked at these reviews and recognized that there is a lot of information that is not included in the TAP reviews and recommended tabling the vote on these substances until additional information can be submitted.

Dave Carter questioned the agenda calling for review, not a vote, on these chemicals as well as the process of "tabling." Tabling requires a vote to table and another vote to take off the table. Deferring action is much simpler. It was agreed to defer action on Boiler chemicals until the June meeting.

Steve Harper has arranged for an outside expert, not connected to the petition, to explain the circumstances about steam chemicals to the Board. The Board finds difficulty with the process of calling in an outside expert. Rose Koenig expressed concern about setting a precedent and echoed that Carolyn Brickey should have been consulted regarding expert testimony. Carolyn was indeed consulted and approved the guest speaker prior to the meeting. Rose Koenig wants the procedure for calling in outside experts to be clear to the public. George Siemen asked who paid for the expert. According to Steve Harper, OTA will be billed for the expert. Goldie Caughlan feels that it is the responsibility of the NOSB to have this information. Eric Sideman wants to hear this expert now as he (the expert) has to catch a plane. He suggested that the NOSB develop a policy on the use of outside experts.

Carolyn asked if there were any objections to hearing from the consultant. Owusu Bandele abstained. There were no objections.

Steve Harper introduced Steve Carroll, Watercare Industrial Services, Inc. Technical Consultant.

Presentation to NOSB on boilers and boiler chemicals

Steam only must exit boiler – steam has "latent heat" – heat associated with phase change – water does not have latent heat. Want "dry" steam to exit boiler.

Steam produced in a plant is generally used in a variety of ways. Some may be used for direct injection, steam cleaning, steam jackets, heat exchangers, or condensed for hot water needs.

Impurities in boiler water consist of undissolved solids, dissolved solids, and dissolved gases. Undissolved solids are generally not the issue. Dissolved gases lead to corrosion. Most common dissolved gases – O₂, CO₃, HCO₃. CO₃ and HCO₃ break down to form CO₂ gas. O₂ and CO₂ are "non-condensable gases" with no "latent heat". When steam condenses a condensate is formed. This water then absorbs CO₂ and O₂. As condensate continues to cool below its condensation temperature, it is more able to absorb corrosive dissolved gases. The O₂ can act as a catalyst to form rust and oxygen pitting. CO₂ in condensate creates carbonic acid, which is corrosive. Stainless steel and other alloys can be used to avoid corrosion, but they may not be rated for the pressures needed, and may not be able to expand and contract as needed.

Volatile amines – include:

1. Neutralizing amines
2. Filming amines

Neutralizing amines are introduced directly into steam or boiler water to retard corrosion. Some of the neutralizing amines will absorb into the condensate neutralizing the pH of the condensate to prevent corrosion.

Filming amines are introduced directly into steam to coat and prevent pitting.

Neutralizing and filming amines can both end up in or on the product. Filming amines are more likely to remain on the product. Neutralizing amines tend to volatilize.

Facilities that use culinary steam can avoid use of volatile amines by:

De-aeration to drive off O₂ prior to boiler - not typically very efficient. Remainder can be scavenged in boiler by adding a de-alkalizer.

De-alkalization – add salts (sulfite/sulfate) to remove bicarbonate and carbonate in boiler. Methods to remove bicarbonate and carbonate tend to be costly one-time investments.

Plants which use amines typically shut off the feed lines during organic production. This can result in substantial corrosion issues and contamination of products with corrosion products i.e. FeO₂, etc.

With soft water, amines may not be needed.

In the Northwest, at 50 percent or more of plants east of the Cascades, use of amines is common. West of the Cascades, less than 50 percent of plants uses amines.

Speaker has no knowledge on residue levels in products where amines are used.

What is the least toxic amine? DEAE is seen as least toxic, but this is anecdotal.

Future trends – pre-treatment alternatives are effective, but they are costly. They are being included in new installations.

Can volatile amines be removed by ion exchange before they are released in the steam? This is not a valid concept. It may be possible with an activated carbon bed.

Amines as causes of corrosion – ammonia hydroxide can drive up pH causing corrosion.

The Board decided to defer action on Ammonium Hydroxide, Cyclohexamine, Diethylaminoethanol, Morpholine, and Octadecylamine until the June 2001 meeting. In the interim, the Board will seek information on levels of the substances in the product, health effects of the substances, existing certifier policies, and economic data.

Break for Lunch at 12:00.

The meeting reconvened at 1:00 p.m.

Zea Sonnabend – Presented a draft document re-constructing past NOSB recommendations (1993-2000). She is also working on a summary of recommendations since the Green Book. She still needs to review the March, 2000, minutes and the Proposed Rule comments.

It was requested that Zea organize the chart in the same order as the Green Book.

The Board would like Zea to prepare a computer file with all recommendations and decisions. Decision wording from Green Book should be typed into a new file with post Green Book decisions added to create a comprehensive record. Zea could do this, but not under the current contract. The document should be made available to the NOP, NOSB, and the public by posting it on web.

Zea will finish locating minutes and records, think about an index, and identify policies. She will also excerpt decisions from meeting minutes, and develop estimate/work plan for full compilation as discussed above.

Carolyn Brickey asked that the Minutes from 11/15-17/01 be reviewed. Eric Sideman raised questions on materials that are not reflected accurately. Approval of minutes was delayed by one week pending e-mail comment and approval. Toni will e-mail current version to 10 members who were at the November Board meeting. Comments should be submitted in revision mode.

Jim Riddle was nominated by Eric Sideman for NOSB Secretary. Jim's nomination was seconded by Becky Goldberg. Discussion of role of Board secretary; assist and oversee staff minutes, review minutes and distribute to Board members at least 10 days following each Board meeting. Discussion of new staff position. Not likely in foreseeable future. **Role call vote on Jim's nomination as Secretary. Passed 15 – 0.**

Items for votes:

Livestock Committee - none.

Crops Committee – Owusu Bandele presented commercial availability draft ([See attachment 15](#)). Corrections: 2nd para 3rd sentence – change "to related" to "relative". 6th para 1st sentence – insert "be" after "should not." Discussion on "or" vs. "and" in definition. NOP will check with the Office of the General Council.

Processing Committee – New commercially available policy draft presented ([See attachment 15](#)). Change Criteria, item 3, "3x the cost of the alternative conventional ingredient." Change "input" to "ingredient" throughout. Insert in B2 1st sentence to read "Keep an ongoing publicly available list". Change B4 1st sentence "provide" to "provided." Change B4 2nd sentence to read "If the investigation of the complaint provides significant new information, then the certifier must revisit the exemption." Strike last sentence. Moved by Steve Harper, seconded by Goldie Caughlan to approve as NOSB comment to NOP. **Passed 14 – 0 – 1.**

Motion to combine and approve the two comments above with the definition being different for ingredients and crops. Moved by David Carter, second by Kim Burton. Becky Goldberg will draft a preamble to combine the two comments above. **Passed 15 - 0 - 0.**

A new task force was formed to draft a policy for calling expert witnesses. The members included Mark King (Chair), Rose Koenig, Owusu Bandele, Kim Burton, and Steve Harper.

Carolyn briefed the public on the Board's public comment procedures and requested that people who want to testify, please sign in.

Accreditation Committee: Jim Riddle presented draft "Principles of Organic Production and Handling" ([See attachment 16](#)) for discussion purposes. He will e-mail it to all NOSB members. Comments should be submitted to Jim Riddle in revision mode or cited by section number. Accreditation Committee to have revised draft posted by May 5. Steve Harper was asked to make sure the principles do not contradict the final rule. This is an attempt to define "consistent with organic agriculture."

William Lockeretz stated that the committee would like to see the Peer Review Panel (PRP) seated by the end of the year (2001). The Accreditation Committee will draft procedures for selecting PRP members and present them to the Board for approval at its June meeting. The Committee will also suggest a PRP definition which is compatible with 205.509. A draft of the procedures and definition will be presented to the Board by May 5. The Accreditation Committee will also track certifier comments and reactions to the accreditation process. The questions circulated by Willie Lockeretz to 16 certifiers will go out to OCC members. No one objected to this happening.

Crops Committee: Intends to do some additional work on mushrooms, greenhouse production, vermiculture, and compost tea. Monocalcium Phosphate was petitioned and the committee has requested a TAP review.

Livestock Committee: Continue work on pasture. Solicit input on pasture and livestock nutrition from industry experts. Eric Sideman will submit a more detailed plan. Intend to post their work on pasture on the Web by May 5. TAP review for amino acids (DL-Methionine, DL-Methionine Hydroxy analog, and DL-Methionine Hydroxy analog Calcium) for livestock use under consideration at June meeting.

Planning species specific guidelines for "stage of production" by the October 2001 meeting. To be submitted to NOP as suggested policy directives.

Livestock Committee to be involved with NOP draft of honey standards.

Processing Committee: Continue seeking further information on boiler chemicals. To consider Dimethylpolpsiloxane, an anti-foaming agent, and reconsider the uses of Potassium Hydroxide. Steve Harper intends to submit draft language to clarify which materials need to be petitioned for inclusion on National List. Will also look at how novel processes such as ion exchange or UV treatments are evaluated. No timetable presented.

Materials Committee: Kim Burton handed out updated work plan ([See attachment 17](#)). Materials Committee will seek further materials for consideration by potential petitioners. Kim Burton will clarify TAP flow chart. Kim Burton and Emily Brown-Rosen will update materials database. The committee will also develop a policy on update of the National List.

Suggestions for OMRI on TAP reviews. Chairs are getting copies of petitions, but these are not going out to all NOSB members. Richard Mathews stated that NOP will send the basic petition to all members. The members can request the supporting information as needed.

One review had 4 reviewers, all others had 3. Emily Brown-Rosen explained that they must have at least 3 reviewers. In one instance, she was not satisfied with the quality of one review, so an additional review was conducted.

George Siemon seeks additional input from the public on materials being considered. Kim Burton will try to organize all information received.

Carolyn Brickey reminded all present to solicit petitions for materials to be reviewed.

Carolyn Brickey summarized work plan. She will notify everyone of their assignments once she gets the draft minutes from Jim Riddle.

Next meeting to be held June 6, 7, and 8 in LaCrosse, WI. George Siemon, Jim Riddle and Bill Welsh will help to organize.

The fall meeting will be held October 15 - 16, 2001, in Washington, DC after Expo East.

Business meeting closes.

Richard Mathews announced that NOSB members are invited to sit in on the certifier training after the comment period concludes. Additionally, Mark Bradley will put on a slide presentation on conflict of interest for Board members later today.

Ten minute break prior to public comment.

PUBLIC COMMENT SESSION – WEDNESDAY, MARCH 7, 2001

The following people presented remarks before the National Organic Standards Board (NOSB).

Jack Samuels, Citizens for Truth in Labeling - Thanks board for rejecting L-cystine. Informs Board of trend concerning MSG and free glutamic acid sensitivity. Reports incidences of reactions to organic produce, including his own experience after eating an organic potato. Organic farms seem to be using hydrolyzed fish emulsion and enzyme hydrolyzed feather meal. Read from a letter from a physician that stated acid hydrolysis can form carcinogens.

Garnet Pirtt, Organic honey producer, Capitan Cook Honey– QAI certified. Reports that conventional honey is contaminated. Asks when proposed honey standard will be posted. Offers to be involved in writing or reviewing draft comments.

Marty Mesh, Florida Organic Growers – Thanked the board for the good work done at this meeting. Asks how and when draft organic sprout standards will be released. Supports the development of statement of principles. Calls into question restrictions on gifts that non-profit certifying agents can receive. Asks for NOSB intervention. Read a letter from FOG certified farmer Frank Oakes, Organic Farmer ([See attachment 22](#)) – "Organic farmers are the reason for the NOP. Objects to conflict of interest provisions."

Ms. Zea Sonnabend - CCOF comments. Suggestions for work plan items. Moving forward with EPA labeling program clarifications. Genetic engineering policies related to farm inputs needs to be on work plan. Further definition of extraction. Narrow range oils. How far back in production chain to go with synthetics and GMOs?

Mr. Ray Green, CDFA – Explained the comments he is about to make are his own. Impact of NOP on State programs. Policy directives will not be enforceable in CA, unless they are in the regulation. Cannot issue a notice of violation unless there is a regulation section to cite. Can only enforce "must" and "shall" items. When you interpret the law, you are creating a regulation.

Lynn Coody, Organic Ag Systems Consulting - Concerned that USDA is saying that ISO 65 is embedded in the Rule. NOP intends to cover all ISO 65 requirements during accreditation. There are a number of items where the Rule differs from ISO. Certifiers need to know which requirements to meet. Certifiers cannot be held to invisible requirements. There is also an overlap of the current ISO accreditation and NOP accreditation. Technical corrections should be made as soon as possible. Training manuals and programs must be firmly rooted in the Rule. Accreditation Committee should review gap analysis comparison of the Rule and ISO 65, available from the Organic Trade Association.

Richard Mathews responded that the Rule covers all ISO 65 requirements, and the NOP will be issuing a detailed comparison for the June meeting. NOP will be doing more training in April and May and post answers to questions on the website.

Mr. Steve Sprinkel, Organic farmer. Trying to discern how some changes can be made to the Rule. Understands that the NOSB is the vehicle for change. Questions if he must make compost only according to the Rule. Feels that the requirements are overly prescriptive and unreasonable. Feels that there are many others who share his concerns.

Motion to adjourn by Dave Carter, seconded by Bill Welsh. **Passed 15-0-0.**

Adjourned at 4:50 p.m.

CAROLYN BRICKEY, Chair
National Organic Standards Board

KEITH JONES, Program Manager
National Organic Program